

# SB1528



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB1528

Introduced 2/18/2009, by Sen. John M. Sullivan

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4

from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Provides that if an applicant for a Firearm Owner's Identification Card is under 10 years of age, the applicant must submit evidence to the Department of State Police that he or she has successfully completed a course of training prescribed by the Illinois Department of Natural Resources or other State, federal, or local program including the National Rifle Association or the Illinois State Rifle Association. Provides that a prescribed training course curriculum shall include but not be limited to safe firearms handling.

LRB096 03436 RLC 13460 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 4 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's  
8 Identification Card must:

9 (1) Make application on blank forms prepared and  
10 furnished at convenient locations throughout the State by  
11 the Department of State Police, or by electronic means, if  
12 and when made available by the Department of State Police;  
13 and

14 (2) Submit evidence to the Department of State Police  
15 that:

16 (i) He or she is 21 years of age or over, or if he  
17 or she is under 21 years of age that he or she has the  
18 written consent of his or her parent or legal guardian  
19 to possess and acquire firearms and firearm ammunition  
20 and that he or she has never been convicted of a  
21 misdemeanor other than a traffic offense or adjudged  
22 delinquent, provided, however, that such parent or  
23 legal guardian is not an individual prohibited from

1 having a Firearm Owner's Identification Card and files  
2 an affidavit with the Department as prescribed by the  
3 Department stating that he or she is not an individual  
4 prohibited from having a Card, and if he or she is  
5 under 10 years of age that he or she has successfully  
6 completed a course of training prescribed by the  
7 Illinois Department of Natural Resources or other  
8 State, federal, or local program including the  
9 National Rifle Association or the Illinois State Rifle  
10 Association. A prescribed training course curriculum  
11 shall include but not be limited to safe firearms  
12 handling;

13 (ii) He or she has not been convicted of a felony  
14 under the laws of this or any other jurisdiction;

15 (iii) He or she is not addicted to narcotics;

16 (iv) He or she has not been a patient in a mental  
17 institution within the past 5 years and he or she has  
18 not been adjudicated as a mental defective;

19 (v) He or she is not mentally retarded;

20 (vi) He or she is not an alien who is unlawfully  
21 present in the United States under the laws of the  
22 United States;

23 (vii) He or she is not subject to an existing order  
24 of protection prohibiting him or her from possessing a  
25 firearm;

26 (viii) He or she has not been convicted within the

1 past 5 years of battery, assault, aggravated assault,  
2 violation of an order of protection, or a substantially  
3 similar offense in another jurisdiction, in which a  
4 firearm was used or possessed;

5 (ix) He or she has not been convicted of domestic  
6 battery or a substantially similar offense in another  
7 jurisdiction committed on or after the effective date  
8 of this amendatory Act of 1997;

9 (x) He or she has not been convicted within the  
10 past 5 years of domestic battery or a substantially  
11 similar offense in another jurisdiction committed  
12 before the effective date of this amendatory Act of  
13 1997;

14 (xi) He or she is not an alien who has been  
15 admitted to the United States under a non-immigrant  
16 visa (as that term is defined in Section 101(a)(26) of  
17 the Immigration and Nationality Act (8 U.S.C.  
18 1101(a)(26))), or that he or she is an alien who has  
19 been lawfully admitted to the United States under a  
20 non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful  
22 hunting or sporting purposes;

23 (2) an official representative of a foreign  
24 government who is:

25 (A) accredited to the United States  
26 Government or the Government's mission to an

1 international organization having its  
2 headquarters in the United States; or

3 (B) en route to or from another country to  
4 which that alien is accredited;

5 (3) an official of a foreign government or  
6 distinguished foreign visitor who has been so  
7 designated by the Department of State;

8 (4) a foreign law enforcement officer of a  
9 friendly foreign government entering the United  
10 States on official business; or

11 (5) one who has received a waiver from the  
12 Attorney General of the United States pursuant to  
13 18 U.S.C. 922 (y) (3);

14 (xii) He or she is not a minor subject to a  
15 petition filed under Section 5-520 of the Juvenile  
16 Court Act of 1987 alleging that the minor is a  
17 delinquent minor for the commission of an offense that  
18 if committed by an adult would be a felony; and

19 (xiii) He or she is not an adult who had been  
20 adjudicated a delinquent minor under the Juvenile  
21 Court Act of 1987 for the commission of an offense that  
22 if committed by an adult would be a felony; and

23 (3) Upon request by the Department of State Police,  
24 sign a release on a form prescribed by the Department of  
25 State Police waiving any right to confidentiality and  
26 requesting the disclosure to the Department of State Police

1 of limited mental health institution admission information  
2 from another state, the District of Columbia, any other  
3 territory of the United States, or a foreign nation  
4 concerning the applicant for the sole purpose of  
5 determining whether the applicant is or was a patient in a  
6 mental health institution and disqualified because of that  
7 status from receiving a Firearm Owner's Identification  
8 Card. No mental health care or treatment records may be  
9 requested. The information received shall be destroyed  
10 within one year of receipt.

11 (a-5) Each applicant for a Firearm Owner's Identification  
12 Card who is over the age of 18 shall furnish to the Department  
13 of State Police either his or her driver's license number or  
14 Illinois Identification Card number.

15 (a-10) Each applicant for a Firearm Owner's Identification  
16 Card, who is employed as an armed security officer at a nuclear  
17 energy, storage, weapons, or development facility regulated by  
18 the Nuclear Regulatory Commission and who is not an Illinois  
19 resident, shall furnish to the Department of State Police his  
20 or her driver's license number or state identification card  
21 number from his or her state of residence. The Department of  
22 State Police may promulgate rules to enforce the provisions of  
23 this subsection (a-10).

24 (b) Each application form shall include the following  
25 statement printed in bold type: "Warning: Entering false  
26 information on an application for a Firearm Owner's

1 Identification Card is punishable as a Class 2 felony in  
2 accordance with subsection (d-5) of Section 14 of the Firearm  
3 Owners Identification Card Act.".

4 (c) Upon such written consent, pursuant to Section 4,  
5 paragraph (a)(2)(i), the parent or legal guardian giving the  
6 consent shall be liable for any damages resulting from the  
7 applicant's use of firearms or firearm ammunition.

8 (Source: P.A. 95-581, eff. 6-1-08.)